

# Congress of the United States

Washington, DC 20515

June 14, 2023

Doug McMillon  
President & CEO  
Walmart  
702 S.W. 8th Street  
Bentonville, AK 72716

Matthew Gutermuth  
CEO  
Safeway  
5918 Stoneridge Mall Road  
Pleasanton, CA 94588

Rodney McMullen  
Chairman & CEO  
Kroger  
1014 Vine Street  
Cincinnati, OH 45202

Craig Jelinek  
CEO  
Costco  
999 Lake Drive Issaquah,  
WA 98027

Bryan Tyler  
CEO  
McKesson Corp. on behalf of  
Health Mart  
1 Post Street  
San Francisco, CA 94104

Dear Mr. McMillon, Mr. Gutermuth, Mr. McMullen, Mr. Jelinek, and Mr. Farah:

On January 3, 2023, the Food and Drug Administration (FDA) established a process for retail pharmacies, including your companies, to become certified to dispense mifepristone.<sup>1</sup> We write to you to ask about your plan, if any, to support access to medication abortion by becoming certified to dispense mifepristone.

On September 28, 2000, the FDA approved mifepristone as the first medication to use as medication abortion. Since then, more than five million patients have safely used mifepristone as the first of two pills in their medication abortion care, and medication abortion now accounts for more than half of all abortions nationwide.<sup>2</sup> Mifepristone, in combination with misoprostol, also offers the most effective medication regimen for managing an early miscarriage.<sup>3</sup> Over the past two decades, an abundance of evidence has unequivocally established that medication abortion is safe and effective. In fact, with a safety record of over 99%, mifepristone is safer than Tylenol.<sup>4</sup> Because of that clear record, in January 2023, the FDA created a new pathway to enable patients, with a prescription from a certified prescriber, to obtain mifepristone through a certified retail

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<sup>1</sup> Food and Drug Administration *Risk Evaluation and Mitigation Strategy (REMS) Single Shared System for Mifepristone 200 MG*. January 2023.

[https://www.accessdata.fda.gov/drugsatfda\\_docs/remis/Mifepristone\\_2023\\_01\\_03\\_REMS\\_Full.pdf](https://www.accessdata.fda.gov/drugsatfda_docs/remis/Mifepristone_2023_01_03_REMS_Full.pdf)

<sup>2</sup> Mark Sherman. *Supreme Court preserves access to abortion pill for now*. AP News. April 21, 2023.

<https://apnews.com/article/supreme-court-abortion-pill-mifepristone-access-f781488016640bf571faf36096339ea4>

<sup>3</sup> *The Facts on Mifepristone*. Planned Parenthood.

[https://www.plannedparenthood.org/uploads/filer\\_public/42/8a/428ab2ad-3798-4e3d-8a9f-213203f0af65/191011-the-facts-on-mifepristone-d01.pdf](https://www.plannedparenthood.org/uploads/filer_public/42/8a/428ab2ad-3798-4e3d-8a9f-213203f0af65/191011-the-facts-on-mifepristone-d01.pdf)

<sup>4</sup> Christine Fernando. *Mifepristone 'Safer than Tylenol,' Experts Say Amid Court Battle Over Major Abortion Pill*. USA Today. April 18, 2023. <https://www.usatoday.com/story/news/nation/2023/04/18/mifepristone-case-abortion-pill-drug-tylenol-fda/11687403002/>

pharmacy.<sup>5</sup> Despite ongoing, baseless attacks from right-wing extremists, the scientific and medical facts remain clear. Mifepristone, in combination with misoprostol, remains the gold standard for medication abortion and miscarriage management care.

Some large retail pharmacies, including some of your competitors, have already committed to becoming certified mifepristone dispensers under this new FDA option. We were encouraged by this and hope they receive certification shortly.

Your pharmacies have been able to start the certification process since January but have not done so, despite letters from numerous governors and senators inquiring about your failure to do so.<sup>6</sup> We are concerned that your respective companies have not yet indicated plans to seek certification to dispense mifepristone, consistent with federal guidelines and regulations, as this could help increase access to needed medication. Your continued silence is unacceptable as it is misaligned with your publicly stated values in support of equal access to health care and of gender equality. In light of current attacks on bodily autonomy and on people's freedom to make their own health care decisions, your companies have a responsibility to consumers and communities to address this issue as soon as possible.

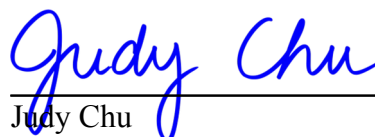
We therefore request that you provide us with a clear answer about whether and when you will seek authorization to become a certified pharmacy dispenser of mifepristone. We strongly urge you to pursue policies that facilitate access to reproductive health care services, including medication abortion, which are time sensitive and essential.

Please ensure that your company responds to us in writing to confirm whether and when you plan to support access to mifepristone through the certification process. We look forward to hearing from you by June 23, 2023.

Sincerely,



Dan Goldman  
Member of Congress



Judy Chu  
Member of Congress

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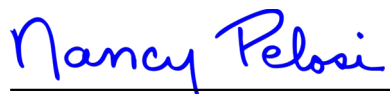
<sup>5</sup> Food and Drug Administration *Risk Evaluation and Mitigation Strategy (REMS) Single Shared System for Mifepristone 200 MG*. January 2023.

[https://www.accessdata.fda.gov/drugsatfda\\_docs/remis/Mifepristone\\_2023\\_01\\_03\\_REMS\\_Full.pdf](https://www.accessdata.fda.gov/drugsatfda_docs/remis/Mifepristone_2023_01_03_REMS_Full.pdf)

<sup>6</sup> Ivana Saric. *15 Dem Governors Ask Pharmacies to Clarify Plans for Abortion Pill*. Axios. March 14, 2023.

<https://www.axios.com/2023/03/14/democrat-governors-pharmacies-abortion-pill> ; Rebecca Pifer. *Democrat Senators Press Major US Pharmacies on Mifepristone Access*. Health Care Dive. March 14, 2023.

<https://www.healthcaredive.com/news/democrat-senators-us-pharmacies-mifepristone-access/644929/>



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Nancy Pelosi  
Member of Congress



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Kathy E. Manning  
Member of Congress



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Nikema Williams  
Member of Congress  
Vice Chair  
Democratic Women's Caucus



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Eleanor Holmes Norton  
Member of Congress



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Pramila Jayapal  
Member of Congress



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Lizzie Fletcher  
Member of Congress



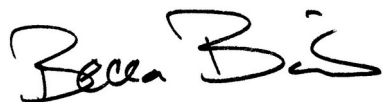
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Veronica Escobar  
Member of Congress



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Rashida Tlaib  
Member of Congress



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Becca Balint  
Member of Congress



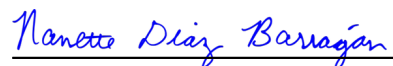
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Adam B. Schiff  
Member of Congress



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Troy Carter  
Member of Congress



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Nanette Diaz Barragán  
Member of Congress



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James P. McGovern  
Member of Congress



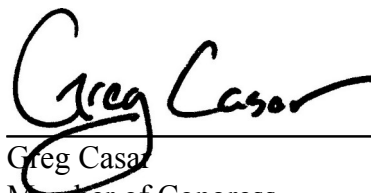
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Barbara Lee  
Member of Congress



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Chris Deluzio  
Member of Congress



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Greg Casar  
Member of Congress



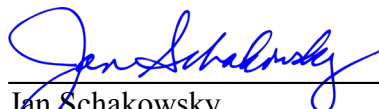
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Angie Craig  
Member of Congress



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Frederica S. Wilson  
Member of Congress



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Jan Schakowsky  
Member of Congress



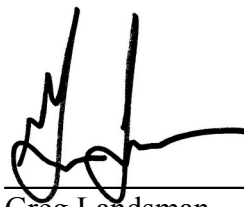
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Kevin Mullin  
Member of Congress



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Ruben Gallego  
Member of Congress



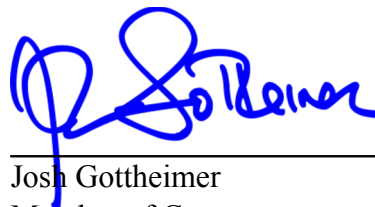
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Greg Landsman  
Member of Congress



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Delia C. Ramirez  
Member of Congress



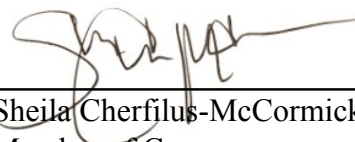
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Josh Gottheimer  
Member of Congress



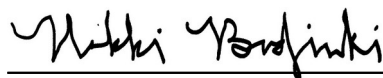
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André Carson  
Member of Congress



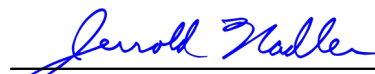
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Sheila Cherfilus-McCormick  
Member of Congress



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Nikki Budzinski  
Member of Congress



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Terrold Nadler  
Member of Congress



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Ritchie Torres  
Member of Congress



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Dwight Evans  
Member of Congress



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Al Green  
Member of Congress



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Colin Z. Allred  
Member of Congress



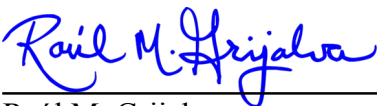
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Adriano Espaillat  
Member of Congress



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Shri Thanedar  
Member of Congress



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Raúl M. Grijalva  
Member of Congress



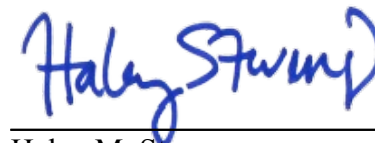
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Sheila Jackson Lee  
Member of Congress



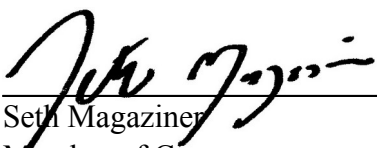
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Seth Moulton  
Member of Congress



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Haley M. Stevens  
Member of Congress



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Seth Magaziner  
Member of Congress

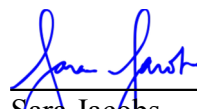


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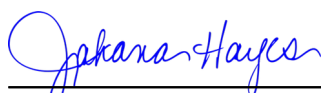
Bradley Scott Schneider  
Member of Congress



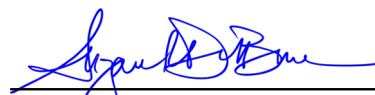
Jake Auchincloss  
Member of Congress



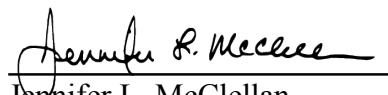
Sara Jacobs  
Member of Congress



Jahana Hayes  
Member of Congress



Suzan K. DelBene  
Member of Congress



Jennifer L. McClellan  
Member of Congress



Susie Lee  
Member of Congress



Julia Brownley  
Member of Congress



Robert J. Menendez  
Member of Congress



Dean Phillips  
Member of Congress



Steve Cohen  
Member of Congress

A handwritten signature in black ink, reading "Dina Titus". The signature is fluid and cursive, with the first name "Dina" and last name "Titus" clearly distinguishable.

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Dina Titus  
Member of Congress